

REMARKS

No claims have been amended, and no new claims have been added. Claims 3, 17, 25, 36 and 50 were earlier cancelled. Claims 1, 2, 4-16, 18-24, 26-35, 37-49 and 51-58 are pending.

Examiner Interview

We wish to thank Examiner Tiv for taking the time to discuss this matter with us telephonically on November 4, 2009. During the interview we discussed the functionality of applicant's system and how it contrasted with and improved on the prior art.

Claim Rejections - 35 USC § 103

A. The Cited References Do Not Disclose A Native Expiration

Claims 1, 15, 18, 31 and 45 are independent. According to claim 1, in part, when the response does not include a native expiration, an amended response including a computed expiration is provided to other requesters, namely web browsers. According to claims 15 and 18, in part, when the response does not include a native expiration, an amended response including a calculated expiration is provided to the requester and to other requesters. According to claims 31 and 45, in part, when the response does not include a native expiration, an amended response including a computed expiration is provided to the requester and to other requesters, namely web browsers.

However, the "native expiration" limitation recited in all of the independent claims is not taught by Marmigere. Marmigere at para. 47 states that a cache index entry for an object has an expiration date. Nothing more. In Marmigere, there is no teaching of whether the expiration date is provided by the content server or created by the proxy server. As such, Marmigere does not disclose the claimed native expiration.

Further, the independent claims recite "reviewing the response to determine whether the response includes a native expiration". No such review of a response is taught by Marmigere.

The Examiner admits that there is no teaching in Marmigere of creating an amended response that includes a computed or calculated expiration recited in the independent claims. The Examiner asserts this is taught by Adams. Adams at para. 235 discloses that “for each static request as it arrives”, HTTP expires and cache control headers are inserted into the HTTP response. As such, it appears that Adams adds an expires header to each response. This teaches away from what is claimed. The claims recite that the computed expiration is used to create an amended response when the response does not include a native expiration. Adams appears to disclose that the amended response is created in all circumstances. This is supported by para. 234 which states that the future expiration is a global value that will persist across all requests. The claimed amended response is not created in all situations but only when the response does not include a native expiration.

As to claims 1, 15, 18, 31 and 45, Adams does not cure the deficiencies of Marmigere.

As to claim 15, Bond does not cure the deficiencies of Adams and Marmigere.

As to claim 18, Choquier does not cure the deficiencies of Adams and Marmigere.

B. The Cited References Do Not Disclose A Network Access Provider

The claims recite that actions are performed by a network access provider server. None of the cited references disclose a network access provider server that performs the totality of the claimed limitations. The specification as filed describes the characteristics of a network access provider in at least at paras. 0011, 0027 and 0029. None of the cited references disclose a network access provider server that performs the claimed actions.

Therefore, for all of the reasons set forth above, the combination of references do not disclose the entirety of limitations recited in the independent claims. As such, claims 1, 15, 18, 31 and 45 and all claims depending thereon are patentable over the cited references.

Disclaimers Relating to Claim Interpretation and Prosecution History Estoppel

Any reference herein to “the invention” is intended to refer to the specific claim or claims being addressed herein. The claims of this application are intended to stand on their own and are not to be read in light of the prosecution history of any related or unrelated patent or patent application. Furthermore, no arguments in any prosecution history relate to any claim in this application, except for arguments specifically directed to the claim.

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Conclusion

It is submitted that the independent and dependent claims include other significant and substantial recitations which are not disclosed in the cited references. Thus, the claims are also patentable for additional reasons. However, for economy the additional grounds for patentability are not set forth here.

In view of all of the above, it is respectfully submitted that the present application is now in condition for allowance. Reconsideration and reexamination are respectfully requested and allowance at an early date is solicited.

The Examiner is invited to call the undersigned registered practitioner to answer any questions or to discuss steps necessary for placing the application in condition for allowance.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Mark Andrew Goldstein".

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